REMARKS

This is in response to the Office Action mailed July 3, 2003. Claims 1-19 are pending in the application, Claims 18-19 being added herein.

By the Office Action, the Examiner requested that the Applicant check the specification for possible minor errors. Applicant has amended paragraph [0080] to correct a typographical error. Applicant has also amended the Abstract so that it is now less than the 150 word limit.

By the Office Action, the Examiner indicated the rejection of Claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over either European application '467 or Virgilio (USPN 5,228,381). The Examiner asserts that these references both disclose the basic apparatus of a food processor whose contents may be heated during the processing operation. The Examiner further asserts that the remaining limitations would then have been obvious design choices only, as they solve no stated problems.

Applicant asserts that the claims are allowable over the prior art for the following reasons:

Independent Claims 1 and 12:

These claims are both directed to a food preparation appliance which includes a container in which food is placed. The appliance includes a helical blade for moving food in the container.

Applicant asserts that none of the cited prior art teaches or suggests the use of a helical blade to mix food material in a food preparation appliance as claimed. For example, Virgilio teaches a stirring vane and Europe '467 appear to disclose a rotating blade structure.

The mixing configurations of the prior art suffer from a number of drawbacks. Mixing appliances which only stir cause food material to simply rotate in a circle within the container. In that configuration, food materials are "layered," with the layer of food material near the bottom being located close to the heat source, while the food material near the top is not. Thus, these layers of food materials are not mixed together and, moreover, heating of the materials in the different layers varies.

As disclosed in the application, an advantage of the use of the helical blade is that when rotated in a counter-clockwise direction, food ingredients are forced downwardly, and when the helical blade is rotated in a clockwise direction, food ingredients are moved to the top. See Application paragraph [0080]. Because the food material is moved up and down vertically through the pot, food ingredients are mixed together and they are quickly heated and uniformly maintained at the same temperature. See Application paragraph [0091].

Claims 1 and 12 also disclose a food preparation appliance which includes an inductive heating element. As disclosed in the application, the use of an inductive heating element has a number of advantages over common radiant and burner type heating sources. In particular, as disclosed at paragraphs [0089]-[0090] of the application, the inducting heating element requires less energy to heat and heats much more evenly than conventional heating sources. This allows the food material to be heated without being burned or scorched. In addition, the heating element itself does not become hot. This allows various items such as plastic bowls and even fingers to touch the heating element without damage or injury.

Independent Claim 6:

Independent Claim 6 is believed allowable for similar reasons to Claims 1 and 12. Among other things, this claim recites a method of mixing food in a container by rotating a helical mixing blade to move food material vertically in the container.

Dependent Claims 2-5, 7-11 and 13-19

These claims are believed allowable for at least the reason they depend from an allowable independent claim. In addition, Applicant asserts that these claims define independently allowable subject-matter.

For example, Claim 2 recites the use of a swiping blade in additional to the helical blade, the swiping blade engaging the base and upwardly extending wall of the container. As detailed in the application (paragraph [0081]), in this configuration, the swiping blade prevents food material from sticking to the inside surfaces of the pot/container. This prevents them from being burned or scorched and causes them to be integrated into the other food material in the pot/container.

Several of the claims are directed to the advantageous mounting configuration of the mixing blades. This configuration permits the pot/container to be removed from a base unit and be set upon a table or the like, and also simply set into driving engagement when placed on the unit. The configuration also permits the mixing blades to be removed for cleaning. See Application paragraphs [0092], [0084], [0082], [0072], [0074] and Claims 3, 4, 16 and 17.

New Claims 18 and 19 recite a pot for use with the food preparation appliance of Claim 12, which appliance includes an inductive heating element. As claimed, the pot is a multi-layer construction including aluminum material located between layers of stainless steel. As disclosed in the application, this construction is advantageous because the aluminum layer is heated by the inductive element. That heat is uniformly distributed to the inner stainless steel layer, causing that layer (which contacts the food) to have a uniform temperature gradient. This means that the entire inside surface of the pot/container has generally the same temperature (i.e. no "spot" heating), again allowing for more uniform cooking/heating of the food material in the pot.

Summary

Applicant asserts that Claims 1-19 are in a condition for allowance and respectfully requests a notice as to the same. If any matters remain outstanding, the Examiner is invited to contact the undersigned by telephone.

Respectfully submitted,

Dated: December 2, 2003 By: _____

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